

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

SHANNON COUNTY, MISSOURI, <i>et</i>)	
<i>al.</i> ,)	
)	
Plaintiffs,)	
)	Case No. 1:21-CV-128-SNLJ
v.)	
)	
L-A-D FOUNDATION, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Defendant Conservation Commission of Missouri (“the Commission”) and Defendant State of Missouri (“State”) both filed motions to dismiss themselves from plaintiffs’ First Amended Complaint. [Doc. 35.] They both raise a sovereign immunity defense under the Eleventh Amendment. [Doc. 53 (Commission); Doc. 55 (State).] Plaintiffs concede that dismissal of both defendants is proper because both defendants retain sovereign immunity and neither defendant has consented to suit. [Doc. 57 at 2] (citing *Fla. Dept. of State v. Treasure Salvors, Inc.*, 458 U.S. 670 (1982)). Because plaintiffs conceded that the defendants should be dismissed, this Court will grant both the Commission’s and the State’s motions to dismiss as to each defendant.

Accordingly,

IT IS HEREBY ORDERED that the defendant Commission's motion to dismiss [Doc. 53] is **GRANTED**.

IT IS FURTHER ORDERED that the defendant State's motion to dismiss [Doc. 55] is **GRANTED**.

IT IS FINALLY ORDERED that defendant Commissioner and defendant State shall be **DISMISSED** as parties from plaintiffs' First Amended Complaint [Doc. 35.]

Dated this 22nd day of September, 2022.

A handwritten signature in dark ink, appearing to read "Stephen N. Limbaugh, Jr.", is written over a horizontal line.

STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE